

PATENT COOPERATION TREATY
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INTERNATIONAL PRELIMINARY EXAMINATION

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(PCT Article 36 and Rule 70)

Applicant's or agent's file reference M80516545:JWC:SRC:CT	FOR FURTHER ACTION	See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416).
International Application No. PCT/AU2003/000771	International Filing Date (day/month/year) 20 June 2003	Priority Date (day/month/year) 21 June 2002
International Patent Classification (IPC) or national classification and IPC Int. Cl. ⁷ A61K 31/7076, 31/167; A61P 41/00, 9/10; A01N 1/02		
Applicant GLOBAL CARDIAC SOLUTIONS PTY LTD et al		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 3 sheets, including this cover sheet.

This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheet(s).

3. This report contains indications relating to the following items:

I	<input checked="" type="checkbox"/> Basis of the report
II	<input type="checkbox"/> Priority
III	<input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
IV	<input type="checkbox"/> Lack of unity of invention
V	<input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
VI	<input type="checkbox"/> Certain documents cited
VII	<input type="checkbox"/> Certain defects in the international application
VIII	<input type="checkbox"/> Certain observations on the international application

Date of submission of the demand 20 January 2004	Date of completion of the report 12 October 2004
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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/AU2003/000771

I. Basis of the report

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report

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V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	YES
	Claims 1-29	NO
Inventive step (IS)	Claims	YES
	Claims 1-29	NO
Industrial applicability (IA)	Claims 1-29	YES
	Claims	NO

2. Citations and explanations (Rule 70.7)

This report has considered the following documents cited in the International Search Report:

- D1 WO 2000/056145 A
- D2 Derwent Abstract Accession Number 74319 E/35
- D3 US 5407793 A

NOVELTY (N) : Claims 1-29

D1 has disclosed a composition and its use thereof for arresting, protecting or/and preserving an organ (eg heart) comprising (1) a potassium channel opener or an adenosine receptor agonist, (2) a local anaesthetic and (3) a suitable agent such as sucrose, vitamin E, alpha - tocopherol, ascorbic acid and magnesium stearate (See the examples, claims and page 13 line 4-20).

Therefore claims 1-29 lack novelty.

D2 has disclosed a heart perfusion aqueous composition useful for keeping the isolated heart functioning comprising adenosine triphosphoric acid, lidocaine, glucose, mannitol, heparin, magnesium asparginate, succinate and bicarbonate salts.

D3 has disclosed an aqueous heart preservation solution which includes adenosine, lidocaine, glucose, histidine, calcium, sodium and magnesium salts (See examples).

Therefore claims 1-6 and 15-29 lack novelty in the light of the disclosures of D2 and D3 respectively.

INVENTIVE STEP (IS): Claims 1-29

As above

INDUSTRIAL APPLICABILITY (IA): Claims 1-29

Claims 1-29 have industrial applicability.